

COMPHIBGRUTHREEINST 5350.1F

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17 Nov 00

COMPHIBGRU THREE INSTRUCTION 5350.1F

Subj: COMMAND MANAGED EQUAL OPPORTUNITY (CMEO) PROGRAM

Ref: (a) OPNAVINST 5354.3D
(b) SECNAVINST 5300.26C
(c) SECNAVINST 5350.16
(d) OPNAVINST 5354.1D
(e) OPNAVINST 5370.2B
(f) CINCPACFLT/CINCLANTFLTINST 5354.1A
(g) Commander's Handbook
(h) SECNAVINST 1610.2
(i) DOD DIRECTIVE 1350.2
(j) NAVOP 003/99

Encl: (1) Reference List
(2) Equal Opportunity Policy Statement
(3) Sexual Harassment Policy Statement
(4) Command Grievance/Redress Policy Statement
(5) Extremism, Hate Groups Policy Statement
(6) Prevention of Hazing Policy Statement

1. Purpose. To implement and provide policy about the Command Managed Equal Opportunity (CMEO) Program, and to assign responsibilities related to the Program.

2. Cancellation. COMPHIBGRUTHREEINST 5350.1E.

3. Background. Reference (a) is the Navy Affirmative Action Plan (NAAP). Reference (b) is the Department of the Navy's (DON) Policy on Sexual Harassment. Reference (c) is the Equal Opportunity (EO) Instruction for the Department of the Navy. Reference (d) contains the Navy's EO Manual. Reference (e) is the Navy Fraternalization Policy. Reference (f) is CINCPACFLT/CINCLANTFLT Instruction on EO. Reference (g) is the Handbook for Commander's (CO's). Reference (h) is Department of the Navy Policy on Hazing. Reference (i) is the Department of Defense EO directive. Reference (j) is the Inter-Deployment Training Cycle (IDTC) reductions initiative in regards to the CMEO program. Enclosure (1) is a partial list of references that relate to or affect the EO Program. Enclosures (2) through (6) are COMPHIBGRU THREE policy statements.

4. Applicability and Scope

a. The provisions of this instruction apply to all active duty and Naval Reserve units, and personnel within COMPHIBGRU THREE commands.

b. Civilian equal employment opportunity policies and guidance are provided in separate instructions issued by the Director, Civilian Personnel Policy and the Equal Employment Opportunity Commission (EEOC).

5. Discussion. Honest and forceful application of the Navy's Equal Opportunity Program (EOP) is required of everyone within the COMPHIBGRU THREE command. The EOP plays a vital role in maintaining a high state of morale and discipline, and a combat-ready force. The foundation of the EOP is education and training. We must instill in all personnel the knowledge and desire to practice equal opportunity. Prompt, effective action to counter discrimination is the responsibility of every member and is essential to the total success of the EOP. A continuing emphasis on fostering proper behavior and attitudes will help maximize morale and productivity, and promote the effective use of every member of the team. Training Navy personnel in promoting and understanding cultural and ethnic differences, prevention of sexual harassment and discrimination practices, are command responsibilities. Implementing the provisions of EOP instructions and directives requires commanders to support the Navy's EOP policy contained in this instruction.

6. Policy. As discussed in references (a) through (j), the Department of the Navy (DON) is committed to aggressive action to achieve equal opportunity. All DON members must understand their rights and responsibilities and all are accountable for their actions. Any grievance or complaint, whether formal or informal, will be evaluated promptly and fairly, and acted upon by the command. In accordance with references (b) and (d), whenever possible, conflict should be resolved at the lowest possible level through an informal resolution system. Members who use grievance procedures will be free from reprisal action at every stage of the grievance process. References (b), (d), and (f) apply. Definitions and glossary of EOP terms are contained in references (a) through (f). The range of behaviors making up sexual harassment is contained in reference (b). The following COMPHIBGRU THREE policy is provided:

a. Equal opportunity and treatment will be provided to all military members and civilian employees of the Department of Defense (DOD), regardless of race, color, religion, age, national origin, or gender.

b. Discriminatory practices, on and off base, directed against service members and their families undermine morale, efficiency, and are contrary to DON EO policies. Such practices will not be tolerated and will be reported immediately to the chain of command.

c. All personnel have a responsibility to maintain an environment free of sexual harassment. Commanding Officer's, OIC's and Supervisor's responsibilities for prevention of sexual harassment include:

(1) Ensuring personnel receive sexual harassment prevention training.

(2) Periodically restating the COMPHIBGRU THREE, COMNAVSURFPAC, CINCPACFLT, DON, and DOD policy on sexual harassment.

(3) Keeping the lines of communication open to allow victims to report all sexual harassment and taking prompt and decisive action when infractions occur.

(4) Preventing reprisals against a person submitting a grievance, whether such reprisals may be overt or subtle in nature. Examples include a reduction in fitness report/evaluation marks, inequity in watch standing duties, or increased workload/watch-standing assignments. There is absolutely zero tolerance for reprisals. Reference (d) provides more information on reprisals and their prevention.

(5) Being familiar with references (b) through (g) and providing additional information on prevention, definitions and behavior zones.

(6) Complying with reference (j), the Commanding Officer, as an option, may assign a Command Assessment Team (CAT) and a Command Training Team (CTT) to assist the commands CMEO program. Reference (d) provides additional information on the requirements and responsibilities.

(7) Complying with reference (j), the Commanding Officer may, at their discretion, assign Navy Rights and Responsibilities (NR&R) training at any time. The only required NR&R training is that which falls under the purview of the Organizational Training (OT) (formerly GMT) program.

d. Racial harassment or discrimination will not be tolerated. A racial incident is an overt damaging act directed toward an individual, group, or institution, whether spontaneous or organized, by a group or an individual motivated by racial bias, which results in discrimination. Refer to reference (d) for incident reporting and procedures.

Note: Refer to references (b), (d), (e), (f), and (h) for additional information on prevention and definition.

7. Responsibilities

a. Group Commander:

(1) Develop programs to support DON EO objectives and readiness.

(2) Implement CMEO within COMPHIBGRU THREE.

(3) Monitor EO status within COMPHIBGRU THREE and its subordinate units.

b. Group Equal Opportunity Advisor (EOA):

(1) Act as the Equal Opportunity Advisor to the Commander.

(2) Monitor the effectiveness of command EO programs.

(3) Oversee EO training and Navy Rights and Responsibilities Training (now incorporated into OT).

(4) Conduct command assessments at the direction of the Commander.

(5) Investigate any reported equal opportunity and sexual harassment cases within COMPHIBGRU THREE commands, as the Commander may direct.

(6) Participate in CMEO assessments of subordinate units.

c. CMEO Officer:

(1) The CMEO officer is an administrative coordinator for the CAT and CTT, and functions as the single point of contact for EO matters at the command.

(2) Duties and responsibilities are listed in appendix E of reference (d).

d. Group Command Master Chief:

(1) Act as the Assistant Equal Opportunity Advisor to the Commander.

(2) Assist the Group EO Advisor in managing the CMEO program within COMPHIBGRU THREE.

e. Commanders, Commanding Officers, Officers in Charge, and Supervisors will:

(1) Ensure equal opportunity for all personnel assigned to commands or under their supervision.

(2) Immediately report and investigate any equal opportunity or sexual harassment complaint.

(3) Ensure that the EOP becomes an integral part of day-to-day personnel management. Commanders are required to review references (a) through (j), and monitor internal practices and current awareness of the EOP climate within the command. As an option per reference (j), assign personnel to the CTT and CAT. Provide assistance to individuals needing help in processing complaints. As an optional measure, a Plan of Action and Milestones (POA&M) can be created to set up and track the correction of existing or potential problems. Action taken must be prompt. The command's Public Affairs Program should reflect the Navy's commitment to the EO Program.

(4) Process equal opportunity and sexual harassment complaints or grievances, using careful judgment and discretion in deciding upon the procedures by which complaints are effectively investigated, reviewed, and action decided.

Reference (d) provides more information and guidance in this area. The spirit of these policies and supporting instructions shall guide all personnel of COMPHIBGRU THREE in their daily performance of duty, on and off base.

f. NAVBEACHGRU ONE, TACGRU ONE, NCWGRU ONE and PHIBRON CMEOs:

(1) Study the CMEO Program and all instructions covering this program.

(2) Maintain the command's CMEO instruction and the EOP current. CMEO files will be retained for 36 months.

(3) Be guided by the contents of this instruction.

(4) Per references (a), (d), and (f); commands are required to collect data on discrimination and sexual harassment complaints.

(5) On an optional basis, conduct NR&R for new personnel. NR&R is required to be incorporated into the command's OT.

g. Supervisors:

(1) Are responsible for leading subordinates. It is not the intent of this instruction to impair the supervisors' ability to carry out leadership responsibilities. Supervisors must set the example in treating all people with respect and dignity.

(2) Be committed to preventing sexual harassment and equal opportunity infractions in the command and work place. Supervisors will not ignore or condone any equal opportunity infractions or sexual harassment in any form and must take appropriate action to ensure a victim/s of sexual harassment or equal opportunity infractions is not the victim of reprisal or retaliation.

(3) Will foster a positive climate and take appropriate corrective action when conduct is disruptive, provoking, discriminatory, or otherwise unprofessional.

(4) Are responsible for ensuring equal opportunity for all personnel assigned to their commands or under their supervision.

(5) Will process any equal opportunity and sexual harassment cases in a timely and fair manner to all involved, and produce just results.

8. Requirements

a. COMPHIBGRU THREE time standards are as follows:

(1) Investigations (whether formal or informal) will commence within three days of initial notification, and must be reported by unit SITREP.

(2) The accuser will be notified on the same day the investigation starts and will be kept informed of its process. Reassure the accuser that reprisals will not be tolerated and she/he is to notify the commander or supervisor immediately if any reprisals occur.

(3) Resolution should be completed within 20 days of commencement of the investigation. The goal is fair but rapid completion, with just results for all involved.

(4) If a case is being processed but cannot meet the above time standards, report by SITREP. Explain the reasons for the delay and request assistance, or state that no additional assistance is required. Submit a SITREP every 14 days thereafter until the case is settled.

9. Action. All personnel within COMPHIBGRU THREE will comply with this instruction and be aware of the policy of equal opportunity.

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10. Reports. Per references (a), (d), and (f), commands are required to collect data on discrimination and sexual harassment complaints.

A handwritten signature in black ink, appearing to read "WJ Marshall", with a stylized, sweeping underline.

WILLIAM J. MARSHALL, III

Distribution:

COMPHIBGRUTHREEINST 5216.1X

Lists 1-7

REFERENCE LIST

Commander's Handbook (Navy)

Manual for Courts-Martial, 1998

Uniform Code of Military Justice (UCMJ)

U.S. Navy Regulations, 1990, Chapters 10 and 11, Articles 1164 (Equal Opportunity and Treatment), 1165 (Fraternization) and 1166 (Sexual Harassment); ALNAV 013/93 (current versions of NAVREGS 1165, 1166)

Naval Military Personnel Manual, NAVPERS 15560C

DOD Directive 1350.2, Department of Defense Military Equal Opportunity (MEO) Program

SECNAVINST 1600.1A, Relationships with Organizations which Seek to Represent Members of the Armed Forces in Negotiative or Collective Bargaining

BUPERSINST 1610.10, Navy Performance Evaluation and Counseling System

SECNAVINST 1610.2, Department of Navy Policy on Hazing

OPNAVINST 1620.2A, Armed Forces Disciplinary Control Boards/Off-Base Military Law Enforcement/Joint Law Enforcement Operations

OPNAVINST 1752.1A, Rape Prevention and Victim Assistance

SECNAVINST 1752.1A (Pending instruction on Sexual Harassment Reporting Requirements)

SECNAVINST 1920.6A, Administrative Separation of Officers

OPNAVINST 3100.6G, Special Incident Reporting (OPREP-3), (Navy Blue, and Unit SITREP Procedures)

OPNAVINST 3120.32C, Standard Organization and Regulations of the U.S. Navy

SECNAVINST 5211.5D, Department of the Navy Privacy Act (PA) Program

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SECNAVINST 5300.26C, Department of the Navy (DON) Policy on Sexual Harassment

SECNAVINST 5350.16, Equal Opportunity (EO) within the Department of the Navy Manual

CINCPACFLT/CINCLANTFLTINST 5354.1A, Equal Opportunity (EO)

OPNAVINST 5354.1D, Navy Equal Opportunity/Navy Equal Opportunity Manual

OPNAVINST 5354.3D, Navy Affirmative Action Plan

OPNAVINST 5370.2B, Navy Fraternization Policy

SECNAVINST 5430.57F, Mission and Functions of the Naval Inspector General

DODDIR 5500.7 (30Aug93), Standards of Conduct, and DOD 5500.7-R, Joint Ethics Regulation (JER) (see ALNAV 139/93)

JAGINST 5800.7C, Manual of the Judge Advocate General (JAGMAN)

SECNAVINST 5800.11A, Protection and Assistance of Crime Victims and Witnesses

SECNAVINST 5822.1A, Federal Magistrates Act, Implementation by DON

OCPMINST 12713.2, DON Discrimination Complaints (CPI 713)

OCPMINST 12720.1, Equal Employment Opportunity and Affirmative Employment Programs (CPI 720)

OPNAVINST 12720.4B, Equal Employment Opportunity Program Management

SECNAVINST 12720.5B, The DON Civilian Equal Employment Opportunity Program (includes DODDIR 1440.1 of 21 May 87, The DOD Civilian Equal Employment Opportunity (EEO) Program)

OCPMINST 12752.1, Discipline and Adverse Actions

OCPMINST 12771, DON Administrative Grievance System (SPI 771)

NAVADMIN 085/93, Assignment of Women in the Navy

NAVOP 003/99, Inter Deployment Training Cycle (IDTC) Workload Reduction

NAVOP 028/94 Processing Sexual Harassment Cases in a Timely Manner

*Grievance Poster "DON's Discrimination Complaint/Grievance Procedures" (SN 0506LP1755200)

**Booklet-- NAVPERS 15620, Informal Resolution System (IRS) Skills Booklet--"Resolving Conflict...Following the Light of Personal Behavior" (SN SN0500LP430900)

**Booklet..."Sexual Harassment: Drawing the Line--Our Rights and Responsibilities in the Sea Services" (SN 0503LP4782500)

**Booklet--" Sexual Harassment: Drawing the Line--Our Rights and Responsibilities in the Federal Workplace" (SN 09503LP4782600)

NOTE:

* = May be obtained by submitting a DD 1348 Form to the Navy Publications and Forms Center, 5801 Tabor Ave. Philadelphia, PA 19120

** = May be ordered via normal supply channels from Navy Aviation Supply Office (AS) 1013, 700 Robbins Avenue, Philadelphia, PA, 19111-5098, Phone: (215) 697-2626/2997 or DSN 442-2626/2997)

EQUAL OPPORTUNITY POLICY STATEMENT

As Commander, Amphibious Group THREE, I am committed personally to, a policy of equal treatment for all Department of Defense and Department of the Navy employees. Our readiness to carry out Department of Defense national security missions is dependent on the performance of each person in our work force. Attainment of our operational objectives relies in large part on our ability to attract and retain the most qualified applicants in all occupations, at all levels, regardless of race, color, gender, age, religion, national origin, or physical limitations.

Commanders and Commanding Officers are responsible for ensuring that Navy and COMPHIBGRU THREE Equal Opportunity goals and objectives are supported. It is the responsibility of each COMPHIBGRU THREE member to ensure that our work environments are free of discrimination and sexual harassment. We will ensure equal opportunity for all personnel.

We need the enthusiastic support of all hands in COMPHIBGRU THREE to achieve a fully integrated work force. **Equal Opportunity makes good management sense.** Together, we can make it happen.



WILLIAM J. MARSHALL, III

SEXUAL HARASSMENT POLICY STATEMENT

The Navy historically has observed the highest standards of honesty, integrity, impartiality and conduct. These qualities must be brought to bear to ensure our people work in an environment free from sexual discrimination, sexual overtones and other forms of sexual harassment. We must discourage any conduct that undermines the integrity of the employment relationship, weakens morale, or interferes with productivity and mission accomplishment. Overcoming old attitudes and getting everyone to take an enlightened approach in this area won't happen unless we make it happen. The passive approach will not work. Active leadership is called for.

Sexual harassment is a form of sex discrimination that involves unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

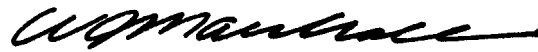
(1) Submission to or rejection of such conduct is made either explicitly or implicitly a term or condition of a person's job, pay, or career, or

(2) Submission or rejection of such conduct by a person is used as a basis for career or employment decisions affecting that person, or

(3) Such conduct interferes with an individual's performance or creates an intimidating, hostile, or offensive environment. Any person in a supervisory or command position who uses or condones implicit or explicit sexual behavior to control, influence, or affect the career, pay, or job of a military member or civilian employee is engaging in sexual harassment. Similarly, any military member or civilian employee who makes deliberate or repeated unwelcome verbal comments, gestures, or physical contact of a sexual nature is also engaging in sexual harassment. Sexual harassment while conducting official business with military or civilian personnel of the fleet, employees of other Federal agencies, persons employed in the private sector, or the general public is a violation of our standards of conduct.

Sexual harassment at any level is to be reported via the chain of command, reports of sexual harassment must be acted upon immediately and administrative and/or disciplinary action taken to ensure swift resolution.

Our people must be aware that everyone in the chain of command is vitally concerned with this readiness and personal dignity issue. Our people also must know the alternate channels for submitting complaints of sexual harassment, such as through their Equal Opportunity/Equal Employment Opportunity offices or, if necessary, a call to the Fleet or Navy Inspectors General. It is the responsibility of each of us to assure our military and civilian personnel are provided a work/environment without sexual harassment.



WILLIAM J. MARSHALL, III

COMMAND GRIEVANCE/REDRESS POLICY STATEMENT

It is my policy and personal commitment as Commander, Amphibious Group THREE to ensure all personnel assigned to COMPHIBGRU THREE are afforded the right and opportunity to present any complaint/grievance to the command; all members have the right of redress.

Individuals who perceive they have been discriminated against or sexually harassed will attempt to resolve the complaint at the lowest level possible by use of the chain of command and the **INFORMAL RESOLUTION SYSTEM**.

Personnel have the right to present any legitimate grievance to the command without fear of intimidation, harassment, or reprisal. Personnel have the right to use and will be educated on the Navy's grievance procedure and on the procedures for appealing decisions. It is the responsibility of my command, and each subordinate command, to provide that education.

Personnel have the right to communicate with the Commander concerning complaints or grievances.

Personnel have the responsibility to advise the command of specifics of discrimination or sexual harassment complaints and to provide the command an opportunity to rectify, remedy, or act accordingly before the complaint or grievance becomes formal.

Personnel have the responsibility to submit only legitimate complaints and to exercise caution against immature or reckless charges. Reckless charges can result in disciplinary action.

There is zero tolerance of reprisal against any person filing a grievance, redress, or complaint.



WILLIAM J. MARSHALL, III

EXTREMISM/HATE GROUPS POLICY STATEMENT

As Commander, Amphibious Group THREE, I am committed personally to a policy of **zero** tolerance of any personnel, Military or Civilian who participate, condone, engage or foster **EXTREMISM, HATE GROUPS or SUPREMACIST** causes. These groups attempt to create illegal discrimination based on race, creed, color, sex, religion, or national origin; and advocate the use of force or violence to deprive individuals of their civil rights.

The actions and beliefs of extremists are not tolerated by U.S. Navy or Amphibious Group THREE policy. Any personnel that are found engaging in Extremist, Supremacist, or Hate groups either covertly or overtly will be dealt with by the Uniform Code of Military Justice (**UCMJ**) and punished to the fullest extent of the law.

Commanders and Commanding Officers are responsible for ensuring that Navy and COMPHIBGRU THREE policy will be enforced against EXTREMISM, HATE GROUPS and their actions. It is the responsibility of each COMPHIBGRU THREE member to report any extremist or hate group action to the chain of command immediately. This action along with awareness and training will ensure that our work environments are free of discrimination, hate and violence.



WILLIAM J. MARSHALL, III

PREVENTION OF HAZING POLICY STATEMENT

As Commander, Amphibious Group THREE, I am committed personally to a policy of **zero** tolerance of any personnel, Military or Civilian who participate, condone, engage or foster an environment that promotes hazing and its degrading acts. Hazing or any other similar degrading activities which serves to humiliate, embarrass, or cause physical pain are clearly unacceptable and will not be tolerated at any level. Hazing is contrary to our Core Values of Honor, Courage, and Commitment. Adherence to Core Values by our Sailors is central to our mission.

Hazing degrades and diminishes the ability of victims to function within our staff and commands. It destroys service member's confidence and trusts in their shipmates and is destructive to cohesion and combat readiness. Hazing is not part of our "time honored traditions" and it has no place in our modern Naval Service.

Commanders and Commanding Officers are responsible for ensuring that Navy and COMPHIBGRU THREE policies will be enforced against hazing. We will continuously educate our personnel, train them to the NAVY'S standard, and hold them accountable. It is the responsibility of each COMPHIBGRU THREE member to report any acts of hazing to the chain of command immediately without fear of reprisal. This action along with awareness and training will ensure that our work environments are free of hazing.



WILLIAM J. MARSHALL, III